

PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/672,768
Filing Date	09/26/2003
First Named Inventor	Brain
Art Unit	3743
Examiner Name	Aaron J. Lewis
Attorney Docket Number	108195.118US3

ENCLOSURES (Check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
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under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
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<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
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Remarks

1. PTO Form 1449 (6 pages)
2. 89 Publications

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Wilmer Cutler Pickering Hale and Dorr LLP		
Signature			
Printed name	Richard A. Goldenberg		
Date	11/22/2004	Reg. No.	38,895

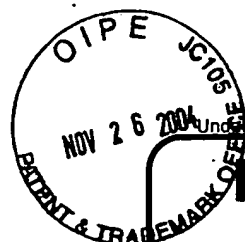
CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Tina M. Dougal	Date	11/22/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04)

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	10/672,768
Filing Date	09/26/2003
First Named Inventor	Brain
Examiner Name	Aaron J. Lewis
Art Unit	3743
Attorney Docket No.	108195.118US3

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
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Deposit
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08-0219

Wilmer Cutler Pickering Hale and
Dorr LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Richard A. Goldenberg	Registration No. (Attorney/Agent)	38,895	Telephone	617-525-6548
Signature		Date	11/22/2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Archibald I. Brain Examiner: TBA
Serial No.: 10/672,768 Group Art Unit:
Filed: September 26, 2003
For: **INTUBATING LARYNGEAL MASK**
Atty. Docket No.: 108195.118US3 LMA-01 CN1

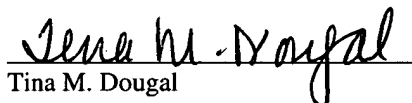
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180.00 DA


Tina M. Dougal

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant and his legal representatives hereby make of record on the attached Form PTO-1449 the following publications which are known to them and considered warranting disclosure under 37 C.F.R. §1.56 and 1.97-98. It is respectfully requested that the Examiner initial and return a copy of the subject Form PTO-1449 with the next Patent Office communication.

The instant application is a continuation of U.S. patent application Serial No. 09/559,366 filed on April 24, 2004, now abandoned, which in turn is a continuation of U.S. patent application Serial No. 08/901,055 filed on July 25, 1997, now U.S. Patent No. 6,079,409 issued on July 27, 2000, from which the above application claims priority under 35 U.S.C. §120.

References previously considered in the parent case, include the following:

U.S. Patent Documents

Re35531	Jun., 1997	Callaghan et al.	128/207.15
4509514	Apr., 1985	Brain	128/207.15
4995388	Feb., 1991	Brain	128/207.15
5038766	Aug., 1991	Parker	128/200.26
5241956	Sep., 1993	Brain	128/207.15
5282464	Feb., 1994	Brain	128/207.15
5303697	Apr., 1994	Brain	128/200.26
5339805	Aug., 1994	Parker	128/200.26
5355879	Oct., 1994	Brain	128/207.15
5584290	Dec., 1996	Brain	128/207.15
5653229	Aug., 1997	Greenberg	128/207.15
5682880	Nov., 1997	Brain	128/207.15
5791341	Aug., 1998	Bullard	128/200.26
5850832	Dec., 1998	Chu	128/200.26

Other Publications

- Caplan R.A., Posner K.L., Wend R.J., Cheney F.W. Adverse respiratory events in anesthesia: a closed claims analysis. *Anesthesiol.* 1990. 72:828-833. (6 pages)
- Benumof J.L. Management of the difficult airway with special emphasis on awake tracheal intubation. *Anesthesiol.* 1991. 75, 6: 1087. (24 pages)
- Benumof J.L. Laryngeal mask airway and the ASA difficult airway algorithm. *Anesthesiol.* 1996. 84, 3: 686-699. (14 pages)
- Pennant J.H., Walker M.B. Comparison of the endotracheal tube and the laryngeal mask--airway management by paramedic personnel. *Anesth Analg.* 1992. 74, 4: 531. (4 page)
- Briacombe J. The split laryngeal mask airway. *Anaesth.* 1993. 48: 639.
- Kapila A., Addy E.V., Verghese C., Brain A.I.J. Intubating LMA: a preliminary assessment of performance, *British Journal of Anaesthesia*, 1995; 75: 228-229, (Abstract).
- Heath M.L. Endotracheal intubation through the laryngeal mask--helpful where laryngoscopy is difficult or dangerous. *Eur. J. of Anaesth.* 1991. 4:41-45. (5 pages)
- Kambic V., Radsel Z. Intubation lesions of the larynx. *Br. J. Anaesth* 1978, 50:587. (4 pages)
- Burgard G., Mollhof T., Prien T. The effect of Laryngeal Mask Cuff Pressure on Postoperative Sore Throat Incidence. *J. Clin. Anesth.* 1996, 8:198-201. (4 pages)

All other foreign references and articles are enclosed herewith.

This Information Disclosure Statement is being filed after the mailing date of the first Office Action on the merits , therefore, please charge the fee of \$180.00 for its submission to Deposit Account No. 08-0219

The Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 08-0219.

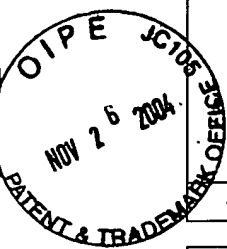
Dated: November 22, 2004

Respectfully submitted,



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Registration No. 38,895
Attorney for Applicant

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Boston, Massachusetts 02109
(617) 526- 6548 (telephone)
(617) 526-5000 (facsimile)



Subt. For, PTO-1449				Docket Number LMA-001CN2 108.195. 118US3		Application Number 10/672,768	
INFORMATION DISCLOSURE IN AN APPLICATION (Use several sheets if necessary)				Applicant Archibald I. J. Brain			
				Filing Date 9/26/03		Group Art Unit 3743	
Sheet	1	OF	6				

U.S. Patent Documents				
Examiner Initial	Document Number	Publn. Date mm-dd-yyyy	Name Of Patentee Or Applicant Of Cited Documents	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
	US-RE 35,531	06/17/1997	Callaghan et al.	
	US-Des 429,811	08/22/2000	Bermudez	
	US-2,862,498	12/02/1958	Weekes	
	US-3,554,673	01/12/1971	Schwartz et al.	
	US-4,231,365	11/04/1980	Scarberry	
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	US-4,553,540	11/19/1985	Straith	
	US-4,872,483	01/26/1993	Shah	
	US-4,953,547	09/4/1990	Poole, Jr.	
	US-4,995,388	02/26/1991	Brain	
	US-5,038,766	08/13/1991	Parker	
	US-5,241,956	09/07/1993	Brain	
	US-5,249,571	10/05/1993	Brain	
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	US-5,339,805	08/23/1994	Parker	
	US-5,339,808	08/23/1994	Don Michael	
	US-5,355,879	10/18/1994	Brain	

Foreign Patent Documents					
Examiner Initial	Cite No.	Foreign Patent Document	Publn. Date mm-dd-yyyy	Country	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code-Number-Kind			
		2,012,750	08/24/1999	Canada	
		2,067,782	06/15/1999	Canada	
		0 294 200	04/15/1992	Europe	
		0 389 272	09/26/1990	Europe	
		0 402 872	12/19/1990	Europe	
		0 580 385	05/08/1996	Europe	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609: Draw Line through citation if not conformance and not considered. Include copy with next communication to applicant.	

Subt. For, PTO-1449 INFORMATION DISCLOSURE IN AN APPLICATION <i>(Use several sheets if necessary)</i>				Docket Number LMA-001CN2 108.195. 118US3		Application Number 10/672,768	
				Applicant Archibald I. J. Brain			
				Filing Date 9/26/03		Group Art Unit 3743	
Sheet	2	OF	6				

U.S. Patent Documents				
Examiner Initial	Document Number	Publn. Date mm-dd-yyyy	Name Of Patentee Or Applicant Of Cite Documents	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
	US-5,391,248	02/21/1995	Brain	
	US-5,529,582	06/25/1996	Fukuhara	
	US-5,569,219	10/29/1996	Hakki et al.	
	US-5,584,290	12/17/1996	Brain	
	US-5,599,301	02/04/1997	Jacobs et al.	
	US-5,623,921	04/29/1997	Kinsinger et al.	
	US-5,632,271	05/27/1997	Brain	
	US-5,653,229	08/05/1997	Greenberg	
	US-5,655,528	08/12/1997	Pagan	
	US-5,682,880	11/04/1997	Brain	
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	US-5,746,202	05/05/1998	Pagan	
	US-5,771,889	06/30/1998	Pagan	
	US-5,791,341	08/11/1998	Bullard	
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	US-5,865,176	02/02/1999	O'Neil	
	US-5,878,745	03/09/1999	Brain	

Foreign Patent Documents					
Examiner Initial	Cite No.	Foreign Patent Document Country Code-Number-Kind Code.	Publn. Date mm-dd-yyyy	Country	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		0 712 638	05/22/1996	Europe	
		0 732 116	09/18/1996	Europe	
		0 796 631	09/24/1997	Europe	
		0 845 276	06/03/1998	Europe	
		0 865 798	09/23/1998	Europe	
		0 922 465	06/16/1999	Europe	
		1 125 595	8/22/2001	Europe	

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				Filing Date 9/26/03		Group Art Unit 3743	
Sheet	3	OF	6				

U.S. Patent Documents				
Examiner Initial	Document Number	Publn. Date mm-dd-yyyy	Name of Patentee or Applicant of Cite	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	US-5,881,726	03/16/1999	Neame	
	US-5,896,858	04/27/1999	Brain	
	US-5,915,383	06/29/1999	Pagan	
	US-5,937,860	08/17/1999	Cook	
	US-5,979,445	11/09/1999	Neame et al.	
	US-5,983,897	11/16/1999	Pagan	
	US-5,988,167	11/23/1999	Kamen	
	US-6,003,510	12/21/1999	Anunta	
	US-6,003,514	12/21/1999	Pagan	
	US-6,012,452	01/11/2000	Pagan	
	US-6,021,779	02/08/2000	Pagan	
	US-6,050,264	04/18/2000	Greenfield	
	US-6,055,984	05/02/2000	Brain	
	US-6,070,581	06/06/2000	Augustine et al.	
	US-6,079,409	06/27/2000	Brain	
	US-6,095,144	08/01/2000	Pagan	
	US-6,116,243	09/12/2000	Pagan	
	US-6,119,695	09/19/2000	Augustine et al	
	US-6,390,093	05/21/2002	Mongeon	
	US-6,439,232	08/27/2002	Brain	
	US-6,631,720	10/14/2003	Brain	
	US-6,698,428	03/02/2004	Brain	
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	US-2003/0037790	02/27/2003	Brain	
	US-2003/0051734	03/20/2003	Brain	
	US-2003/0101998	06/05/2003	Zocca et al.	
	US-2003/0136413	07/24/2003	Brain et al.	
	US-2003/0172925	09/18/2003	Zocca et al.	

EXAMINER	DATE CONSIDERED
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Sheet	4	OF	6				

Foreign Patent Documents					
Examiner Initial	Cite No.	Foreign Patent Document	Publ. Date mm-dd-yyyy	Country	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code-Number-Kind Code			
		GB 2111394	12/03/1982	United Kingdom	
		GB 2205499	06/05/1987	United Kingdom	
		GB 2317342	08/29/1997	United Kingdom	
		GB 2317830	09/05/1997	United Kingdom	
		GB 2318735	10/24/1997	United Kingdom	
		GB 2319478	10/24/1997	United Kingdom	
		GB 2359996	9/12/2001	United Kingdom	
		2321854	01/08/1998	United Kingdom	
		2323289	02/25/1998	United Kingdom	
		2323290	03/03/1998	United Kingdom	
		2323291	03/03/1998	United Kingdom	
		2323292	03/09/1998	United Kingdom	
		10118182	05/12/1998	Japanese Abstract	
		10216233	08/18/1998	Japanese Abstract	
		10263086	10/06/1998	Japanese Abstract	
		10328303	12/15/1998	Japanese Abstract	
		11128349	05/18/1999	Japanese Abstract	
		11192304	07/21/1999	Japanese Abstract	
		11206885	08/03/1999	Japanese Abstract	
		10277156	10/20/1998	Japanese Abstract	
		10314308	12/02/1998	Japanese Abstract	
		10323391	12/08/1998	Japanese Abstract	
		WO 91/03207	03/21/1991	WIPO	
		WO 91/07201	05/30/1991	WIPO	
		WO 91/12845	09/05/1991	WIPO	
		WO 92/13587	08/20/1992	WIPO	
		WO 95/33506	12/14/1995	WIPO	
		WO 97/12640	04/10/1997	WIPO	

EXAMINER	DATE CONSIDERED
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INFORMATION DISCLOSURE IN AN APPLICATION <i>(Use several sheets if necessary)</i>				Applicant Archibald I. J. Brain			
				Filing Date 9/26/03		Group Art Unit 3743	
Sheet	5	OF	6				

Foreign Patent Documents					
Examiner Initial	Cite No.	Foreign Patent Document	Publn. Date mm-dd-yyyy	Country	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		WO 97/12641	04/10/1997	WIPO	
		WO 98/16273	04/23/1998	WIPO	
		WO 99/06093	02/11/1999	WIPO	
		WO 00/22985	04/27/2000	WIPO	
		WO 00/23135	04/27/2000	WIPO	
		WO 00/61212	10/19/2000	WIPO	

Examiner's Initial	Other Documents (Including Author, Title, Date Pertinent Pages, Etc.)	
	AA	Brain, "The Laryngeal Mask Airway – A Possible New Solution to Airway Problems in the Emergency Situation," <u>Archives of Emergency Medicine</u> , 1984, Vol. 1, pgs. 229-232
	AB	Brain, "The laryngeal mask airway," <u>Anaesthesia</u> , 1985, Vol. 40, pp. 356-361
	AC	Brain, "Three cases of difficult intubation overcome by the laryngeal mask airway," <u>Anaesthesia</u> , 1985, Vol. 40, pp. 353-355
	AD	DeMello, et al., "The use of the laryngeal mask airway in primary anaesthesia," <u>Anaesth. Corresp.</u> (1990) 45:9:793
	AE	Hickey, et al., "Cardiovascular response to insert of Brain's laryngeal mask," <u>Anesth. Corresp.</u> 1990, Vol. 45, pgs. 977-979
	AF	Davies et al., "Laryngeal Mask Airway and Tracheal Tube Insertion by Unskilled Personnel," <u>The Lancet</u> , (1990) pages 977-979
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Subt. For, PTO-1449				Docket Number LMA-001CN2 108.195. 118US3		Application Number 10/672,768	
INFORMATION DISCLOSURE IN AN APPLICATION <i>(Use several sheets if necessary)</i>				Applicant Archibald I. J. Brain			
				Filing Date 9/26/03		Group Art Unit 3743	
Sheet	6	OF	6				

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